

TRANSLATION**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference A2003/02068	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/AT2004/000437	International filing date (<i>day/month/year</i>) 13.12.2004	Priority date (<i>day/month/year</i>) 22.12.2003
International Patent Classification (IPC) or national classification and IPC B66F9/14, B65G1/04		
Applicant TGW TRANSPORTGERÄTE GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>5</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-20 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-29 received by this Authority on 20.10.2005 with letter of 17.10.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/7-7/7 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-29</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>1-29</u>	YES
		Claims _____	NO
	Industrial applicability (IA)	Claims <u>1-29</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	1) <u>Documents</u>		
	This report makes reference to the following document:		
	D1: US-A-3 954 185		
	2) <u>Clarity</u>		
	2.1) Claim 1 is not clear owing to typing errors. Claim 1 reads (the errors are in bold type):		
	load-receiving means (11) for a transporting device, in particular, for a storage and retrieval unit (1), said means having a telescopic table (15) which can be displaced relative to a plane parallel to a ground contact surface (6) and which is designed for receiving at least one storage aid (4), for example, container, crate, etc.; having a lower table (16) and having an intermediate table (17) and an upper table (18) which can be displaced relative to the lower table and to each other in linear guiding arrangements (42, 43, 44, 45) situated preferably symmetrically with regard to a middle plane (46); and having a drive device (66) between the lower table (16) and the intermediate table (17) and a transfer device (68) for displacing the upper table (18) {error in German text} according to the relative motion between the lower table (16) and the intermediate table		

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	<p>(17); [characterized in that] and having the guiding arrangements (42, 43, 44, 45) are situated, between the intermediate table (17) and the lower table (16) and between the intermediate table (17) and the upper table (18), the in interspaced guiding planes (47, 48) extending parallel to a receiving surface (26) of the upper table (18); and having at least one additional guiding arrangement (79, 80) that forms a guiding plane (78) extending perpendicular thereto and parallel to a direction of displacement of the upper table (18); and the transfer device (68) having transfer means (70) is provided in a transfer plane (76) extending at an angle (77) to an upper side (62) of the upper table (18) and parallel to the direction of displacement, characterized in that strip-shaped guiding projections (53) extending across an entire length (30) of the intermediate table (17) and forming the guiding planes (47, 48) form an upper chord with the guiding arrangements (42, 43) between the intermediate table (17) and the upper table (18) and a lower chord with the guiding arrangements (44, 45) between the intermediate table (17) and the lower table (16).</p> <p>2.2) In order to be able to assess novelty and inventive step, claim 1 is interpreted as follows (changes are in bold type):</p> <p>load-receiving means (11) for a transporting device, in particular, for a storage and retrieval unit (1), said means having a telescopic table (15) which can be displaced relative to a plane parallel to a ground contact surface (6) and which is designed for receiving at least one storage aid (4), for example, container,</p>

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	<p>crate, etc.; having a lower table (16) and having an intermediate table (17) and an upper table (18) which can be displaced relative to the lower table and to each other in linear guiding arrangements (42, 43, 44, 45) situated preferably symmetrically with regard to a middle plane (46); and having a drive device (66) between the lower table (16) and the intermediate table (17) and a transfer device (68) for displacing the upper table (18) according to the relative motion between the lower table (16) and the intermediate table (17); wherein the guiding arrangements (42, 43, 44, 45) are situated, between the intermediate table (17) and the lower table (16) and between the intermediate table (17) and the upper table (18), in interspaced guiding planes (47, 48) extending parallel to a receiving surface (26) of the upper table (18); and having at least one additional guiding arrangement (79, 80) that forms a guiding plane (78) extending perpendicular thereto and parallel to a direction of displacement of the upper table (18); and the transfer device (68) having transfer means (70) is provided in a transfer plane (76) extending at an angle (77) to an upper side (62) of the upper table (18) and parallel to the direction of displacement, characterized in that strip-shaped guiding projections (53) extending across an entire length (30) of the intermediate table (17) and forming the guiding planes (47, 48) form an upper chord with the guiding arrangements (42, 43) between the intermediate table (17) and the upper table (18) and a lower chord with the guiding arrangements (44, 45) between the intermediate table (17) and the lower table (16).</p>

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	<p>3) <u>Novelty and inventive step</u></p> <p>3.1) D1 is considered to be the prior art closest to the subject matter of claim 1. D1 (the references in parentheses are to D1):</p> <p>load-receiving means (18) for a transporting device, in particular, for a storage and retrieval unit, said means having a telescopic table which can be displaced relative to a plane parallel to a ground contact surface and which is designed for receiving at least one storage aid (47), for example, container, crate, etc.; having a lower table (245c, 245d) and having an intermediate table (300, 305, 310) and an upper table (20) which can be displaced relative to the lower table and to each other in linear guiding arrangements (275, 275a, 275b, 275c) situated preferably symmetrically with regard to a middle plane; and having a drive device (350, 355, 360, 365) between the lower table (245c, 245d) and the intermediate table (300, 305, 310) and a transfer device (410, 411, 412) for displacing the upper table (20) according to the relative motion between the lower table (245c, 245d) and the intermediate table (300, 305, 310); wherein the guiding arrangements (275, 275a, 275b, 275c) are situated, between the intermediate table (300, 305, 310) and the lower table (245c, 245d) and between the intermediate table (300, 305, 310) and the upper table (20), in interspaced guiding planes (see figure 9; 275a, 275b, 275c, 275d) extending parallel to a receiving surface of the upper table (20); and having at least one additional guiding arrangement (277) that forms a guiding plane extending perpendicular thereto and parallel to a direction of displacement of the upper table (20);</p>

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	<p>and the transfer device (410, 411, 412) with transfer means (410, 411, 412) is provided in a transfer plane extending at an angle (see description, column 8, line 16 to column 9, line 48, and figures 9, 10a, 10b, 11a) to an upper side of the upper table (20) and parallel to the direction of displacement.</p> <p>3.2) Thus the subject matter of claim 1 differs from the known load-receiving means in that strip-shaped guiding projections extending across an entire length of the intermediate table and forming the guiding planes form an upper chord with the guiding arrangements between the intermediate table and the upper table and a lower chord with the guiding arrangements between the intermediate table and the lower table.</p> <p>3.3) The subject matter of claim 1 is therefore novel (PCT Article 33(2)).</p> <p>3.4) The problem to be solved by the present invention can therefore be regarded as that of achieving a high full-load factor by maintaining low weight and high stability.</p> <p>3.5) The solution to this problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) because this combination of features is not obvious from the available prior art. It would not be obvious to a person skilled in the art to combine these features in order to solve the stated problem.</p> <p>3.6) Claims 2 to 29 are dependent on claim 1 and</p>

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therefore also meet the PCT requirements for novelty and
inventive step.